

IN THE UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF TEXAS
 FORT WORTH DIVISION

CALVIN WOODKINS,	§	
	§	
Petitioner,	§	
	§	
VS.	§	NO. 4:06-CV-088-A
	§	
DOUGLAS DRETKE, DIRECTOR, TEXAS	§	
DEPARTMENT OF CRIMINAL JUSTICE,	§	
CORRECTIONAL INSTITUTIONS	§	
DIVISION,	§	
	§	
Respondent.	§	

O R D E R

Came on for consideration the above-captioned action wherein Calvin Woodkins is petitioner ("Woodkins") and Douglas Dretke, Director, Texas Department of Criminal Justice, Correctional Institutions Division, is respondent. This is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On March 29, 2006, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation, and ordered that the parties file objections, if any, thereto by April 19. On April 6, Woodkins filed his written objections. Respondent has not made any further response. In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo determination of those portions of the proposed findings or recommendations to which specific objection

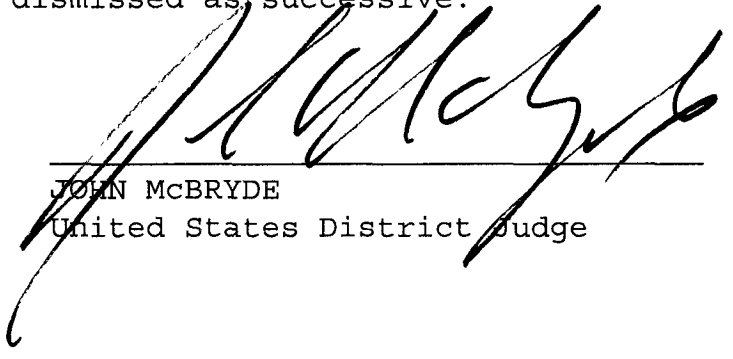
is made. United States v. Raddatz, 447 U.S. 667 (1980). The court is not addressing any nonspecific objections or any frivolous or conclusory objections. Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

The magistrate judge recommended the petition be dismissed as successive pursuant to 28 U.S.C. § 2244(b)(1). Woodkins objects to that result because "none of [his previous] habeas applications have been fully adjudicated on the merits." Pet'r Objections at 11. Here, the record does reflect all of Woodkins's prior petitions have been dismissed on procedural grounds. Woodkins v. Dretke, No. H-03-1065 (S.D. Tex. Apr. 26, 2004) (dismissed as successive); Woodkins v. Johnson, No. 2:00-CV-181 (E.D. Tex. Mar. 2, 2001) (dismissed as time-barred); Woodkins v. Johnson, No. H-99-4130 (S.D. Tex. June 9, 2000) (dismissed as time-barred). If a prior petition is dismissed as time-barred, any future petition making the same claims is successive. See Crone v. Cockrell, 324 F.3d 833 (5th Cir. 2003).

For the reasons stated herein,

The court accepts the findings, conclusions and recommendation of the magistrate judge and ORDERS that the petition be, and is hereby, dismissed as successive.

SIGNED April 11, 2006.



JOHN MCBRYDE
United States District Judge